

## UNITED STATES DISTRICT COURT

District of Hawaii

ORIGINAL

JAMES FLOWERS

Plaintiff,

V.

BILL OF COSTS FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SAUSE BROS., INC.,

Defendant.

Case Number: CV02-00149 LEK

#116

MAR 22 2006 ay

at 3 o'clock and 55 min P M  
SUE BEITIA, CLERK

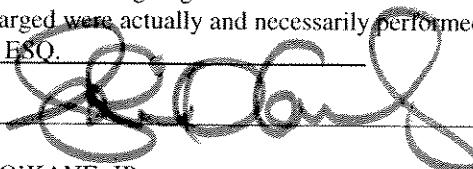
Judgment having been entered in the above entitled action on March 17, 2006 against Plaintiff JAMES FLOWERS, the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$ .....
Fees for service of summons and subpoena .....	\$218.97
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case .....	\$3,118.83
Fees and disbursements for printing .....	\$485.48
Fees for witnesses (itemize on reverse side) .....	\$5,177.80
Fees for exemplification and copies of papers necessarily obtained for use in the case .....	\$310.23
Docket fees under 28 U.S.C. 1923 .....	\$29.50
Costs as shown on Mandate of Court of Appeals .....	N/A
Compensation of court-appointed experts .....	N/A
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	N/A
Other costs (see attached) .....	.....
	TOTAL
	<u>\$9,340.81</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

## DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: PRESTON EASLEY, ESO.

Signature of Attorney: Name of Attorney: JOHN O'KANE, JR.For: DEFENDANT SAUSE BROS., INC.Date: MARCH 22, 2006Costs are taxed in the amount of \$9,340.81

and included in the judgment.

Name of Claiming Party

By:

Deputy Clerk

 4/4/06

Clerk of Court Deputy Clerk Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Peter E. Diamond, Honolulu Sports Medical Clinic, Inc., 932 Ward Ave, Suite 460, Honolulu, Hawaii 96814	1	\$40.00					\$40.00
Larry R. Greif, Petrochem Marine Consultants, Inc., 2417 Mariner Square Loop, Ste. 125, Alameda, CA 94501	3	\$120.00	3	\$544.88	2,457.9	\$3,122.80	
Capt. Steven E. Woods, 760 N.W. 11 <sup>th</sup> Ave, #214, Portland, Oregon 97209	4	\$160.00	4	\$305.00	1350.00	\$1,815.00	
Eileen Figueroa, P.O. Box 23440, Honolulu, HI 96823	1	\$40.00					\$40.00
Scott Carter, Sause Bros., Inc., Pier 2, 2 <sup>nd</sup> Flr., Honolulu, Hawaii 96813	1	\$40.00					\$40.00
Grania Monteleone, Sause Bros., Inc., Pier 2, 2 <sup>nd</sup> Flr., Honolulu, Hawaii 96813	1	\$40.00					\$40.00
Kathy Senz-Rose, Sause Bros., Inc., 3710 N.W. Front Ave., Portland, Oregon 97210	1	\$40.00					\$40.00
Wilson C. Hayes, Ph.d., Oregon State University	1	\$40.00					\$40.00
						<b>TOTAL</b>	<b>\$5,177.80</b>

### NOTICE

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

**See also Section 1920 of Title 28, which reads in part as follows:**

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

**The Federal Rules of Civil Procedure contain the following provisions:**

**Rule 54 (d)**

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

**Rule 6(e)**

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

**Rule 58 (In Part)**

“Entry of the judgment shall not be delayed for the taxing of costs.”

**(Cont'd) CALCULATIONS:**

**COPY COSTS**

Straub Clinic (6/8/02): \$131.02

Comprehensive Pain Medicine, Inc. (5/20/03): \$38.35

Comprehensive Pain Medicine, Inc. (7/14/03): \$11.00

Nydic Open MRI of Pensacola (7/14/03): \$60.00

VCN Vital Records (6/18/03): \$43.00

Smart Document Solutions, LLC (7/22/03): \$26.78

**SERVICE OF PROCESS**

Eleanor's Legal Support.Com (re: Kenneth A. Towe): \$218.97

**TRANSCRIPT & SHERIFF FEES**

Jan Floate & Associates (re: Scott Carter & Kevin McCardle): \$141.66

Jan Floate & Associates (re: Donovan Duncan): \$109.37

Jan Floate & Associates (re: Elia Long): \$62.50

Jan Floate & Associates (re: James Flowers): \$556.27

Ralph Rosenberg Court Reporters, Inc. (Queen's Med. Ctr. 6/30/03): \$59.37

Atkinson-Baker, Inc. (re: Kenneth A. Towe): \$325.70

Atkinson-Baker, Inc. (re: Kurt A. Krueger): \$298.30

Ralph Rosenberg Court Reporters, Inc. (Queen's Med. Ctr. 6/26/03): \$125.29

**APPEAL COSTS**

In-House Copy Expense (7/2004 - 1/2006): \$310.23

Professional Image (color copies and binding): \$439.44

FedEx (Brief to Appeals Court): \$46.04